

LIBELED: 1-20-60, Dist. Oreg.; amended libel 8-11-60.

CHARGE: 502(a)—while held for sale, the accompanying labeling contained false and misleading representations that the article was adequate and effective for the prevention of fatigue, irritability, brain fag, and nervous exhaustion; that it nourished brain cells and supplied motive force; that it would restore depleted brain power and waning activity of vital organs; and that it would prevent globules from settling on the artery walls or infiltrating the liver; 502(a)—the term "Lecithin" in the labeling designated for this article—e.g. "STAY ALIVE LONGER! LECITHIN * * * As Advised by LELORD KORDEL," created a false and misleading impression in the minds of prospective purchasers since the term "Lecithin" as used in the promotion of the article was thereby associated with false and misleading information disseminated to the public in a book and a series of newspaper articles by said Lelord Kordel entitled "Stay Alive Longer," which appeared in a Portland newspaper commencing October 22, 1959, to the effect that lecithin-containing capsules are effective in the treatment and prevention of atherosclerosis; pale and drawn face; nervousness; weak, jangly nervous system; insomnia; irritability; nervous, mental, and glandular overactivity; exhaustion; loss of vitality; loss of cerebrospinal fluid; nerve and gland exhaustion; nervous breakdown; headaches; brain fag; senility; tension; shattered nerves; depleted brain power; waning activity of vital glands; depletion of fatty myelin sheath of nerves; sexual decline; and fat infiltration of the liver and other organs; and would create a strong nervous system, endocrine glands, muscles of the heart and kidneys; would neutralize body poisons of internal and external origin; would prevent fat from settling on artery walls; and would restore life forces; and 502(a)—the name of the article and the label declaration of amounts of soy lecithin and soybean oil in the article were misleading in that they represented and suggested that these ingredients were present in therapeutically significant quantities whereas the lecithin and soybean oil in the article were therapeutically insignificant.

DISPOSITION: 11-18-60. Fred Meyer, Inc., claimant, having consented to the entry of a decree without admitting the allegations of misbranding, judgment of condemnation was entered and the article was released under bond for relabeling.

6496. Vitamin products. (F.D.C. No. 44902. S. Nos. 41-771 R, 42-301 R, 42-308 R, 42-310/3 R, 42-315/6 R, 42-318 R, 42-320 R.)

QUANTITY: 2 cases of 96 160-tablet btls. of *yeast and iron tablets*; 4 cases of 96 200-tablet btls. of *Multi-Mineral tablets*; 6 cases of 96 200-tablet btls. and 3 cases of 96 100-tablet btls. of *vitamin A and D tablets*; 1 case of 168 50-capsule btls. of *vitamin A, B₁, D, G capsules*; 4 cases of 96 100-tablet btls. of *vitamin B complex tablets*; 5 cases of 6 600-tablet btls. of *vitamin A and D and B₁₂ tablets*; 4 cases of 96 120-capsule btls. of *Junior Multi-Vitamins-Mineral capsules*; 3 cases of 108 45-capsule btls. of *Geratric Multi-Vitamins-Mineral capsules*; 34 cases of 12 8-oz. btls. of *liquid vitamin for infants and children*; and 4 cases of 144 60-tablet btls. of *cold tablets with vitamin C*, at Oakland, Calif.

SHIPPED: Between 7-31-57 and 7-15-60, from Freeport, Ill., by W. T. Rawleigh Co.

LABEL IN PART: (Btl.) "Rawleigh's Yeast and Iron Tablets"; "Rawleigh's Multi-Mineral Tablets"; "Rawleigh's Vitamin A and D Tablets"; "Rawleigh's Vitamins A, B₁, D, G"; "Rawleigh Vitamin B-Complex Tablets"; "Rawleigh's

Vitamin A and D and B-12 Tablets"; "Rawleigh's Junior Multi-Vitamin-Mineral Capsules For Children 3 to 12 Years of Age"; "Rawleigh's Geriatric Multi-Vitamin-Mineral Capsules"; "Rawleigh Liquid Vitamin for Infants and Children"; and "Rawleigh's Cold Tablets with Vitamin C."

ACCOMPANYING LABELING: Booklets entitled "Rawleigh and today's homemaker" and "Pocket Reference Booklet on Rawleigh Products"; leaflets entitled "Better Health more vigor and zest for life," "Who needs vitamin supplements," and "To help babies and children grow and be healthy"; and looseleaf books entitled "Rawleigh's Sales Manuals."

LIBELED: 9-22-60, N. Dist. Calif.

CHARGE: 502(a)—when shipped, the labeling of the *Multi-Mineral tablets* contained false and misleading representations that the article was adequate and effective to prevent subnormal conditions and severe ailments, and to promote growth and health;

502(a)—the label of the *vitamin A and D tablets* bore the false and misleading statement "to prevent and overcome soft bones in infants and early childhood," and the article's labeling contained false and misleading representations that the article was adequate and effective to promote sturdy bones and teeth, healthy mucous membranes, skin and eyes of people of all ages, good appetite, proper intestinal activity, sound nerves, and sense of well-being, strong, well-shaped bones and teeth, and to increase the life span of adults:

502(a)—the labeling of the *vitamin B complex tablets* contained false and misleading representations that the article was adequate and effective for the treatment and prevention of insomnia; mental depression; depressed, restless feelings and worry; and to promote sound nerves, digestion, skin and eyes, good appetite and proper intestinal activity;

502(a)—the label of the *vitamin A and D and B₁₂ tablets* bore the false and misleading statement "to prevent and overcome soft bones in infants and early childhood," and the labeling contained false and misleading representations that the article was adequate and effective to promote normal growth, sound bones and teeth, healthy appetite, resistance to infection of eyes, nose and throat; to protect eyesight from night blindness; and help thin children gain weight;

502(a)—the labeling of the *Junior Multi-Vitamin-Mineral Capsules* contained false and misleading representations that the article was adequate and effective to promote growth and health, and to keep children from losing days at school due to coughs and colds and other illnesses;

502(a)—the labeling of the *yeast and iron tablets* contained false and misleading representations that the article was adequate and effective as a treatment for and preventive of exhaustion during hard work, nervousness, pain and weakness, neuritis, polyneuritis, progressive blindness, pellagra, and beriberi; and to promote sound nerves and sense of well-being; to increase energy, endurance, and morale; to stimulate appetite, digestion and intestinal activity and elimination; to stimulate assimilation and utilization of nutrients; develop clear skin and complexion; to maintain normal cell life and proper function of glands; and as a tonic;

502(a)—the labeling of the *vitamins A, B₁, D, G capsules* contained false and misleading representations that the article was adequate and effective to promote good appetite, intestinal activity, sound nerves and sense of well-being, strong, well-shaped bones and teeth, to keep eyes, mucous membranes and skin healthy, and to increase the life span of adults;

502(a)—the labeling of the *Geriatric Multi-Vitamin-Mineral capsules* contained false and misleading representations that the article was adequate and effective as a treatment for and preventive of weakened capillaries and capillary breakdown, heart and blood vessels, fatty livers, depressed or unstable conditions, all-tired-out feeling, poor night vision, upset digestion, rough skin, sore itching eyes, poor teeth, weight loss, emotional instability, lack of appetite, constipation, tired eyes, headaches, sore mouth, pink eye, cataracts, lack of pep, worry, restlessness, anemia, premature aging, conditions associated with stress and strain, weakness, vague muscle aches, "spring fever," tooth decay, poor sleep, inflammation of skin, loss of hair, failure of liver function, weak bones, blood not up to par, bone deformities; and that the article would lengthen life, promote growth, power reproduction, promote general health, and proper functioning of stomach, intestines and skin, dilate arteries to promote good circulation, build protein, fight infection, and develop vigor and zest for life;

502(a)—the labeling of the *liquid vitamin for infants and children* contained false and misleading representations that the article was adequate and effective as a treatment for and preventive of infections, overweight, slow growth, poor circulation; and that the article would keep eyes, mucous membrane, and skin healthy; promote growth in children; increase life span of adults; build strong, sturdy bones and teeth; promote good appetite and digestion, sound nerves, sense of well-being, general health, strong, tough blood vessels, normal gland functioning, height and weight in children, normal cell life and sound nerves, proper functioning of the stomach and intestines; improve the flow of blood of older persons; and promote energy;

502(a)—the labeling of the *cold tablets with vitamin C* contained false and misleading representations that the article was adequate and effective to prevent infection; increase physical endurance; lessen fatigue; secure proper functioning of blood vessels, and keep resistance to illnesses caused by infectious germs, including colds and influenza, at the highest level; and that fever and infection require extra nutritional amounts of vitamin C.

The libel alleged also that the articles, except for the *yeast and iron tablets*, the *vitamin A, B₁, D, G capsules*, and the *cold tablets with vitamin C*, were misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: 10-27-60. Default—delivered to county institutions for use under a physician's instruction.

6497. **Spray-O-Med medicated vapor.** (F.D.C. No. 44576. S. No. 34-895 R.)

QUANTITY: 259 cases, 24 3-oz. cans each, and 301 cases, 12 7-oz. cans each, at Brooklyn, N.Y.

SHIPPED: 12-2-59 and 2-16-60, from Newark, N.J., by Sun-Lac, Inc.

LABEL IN PART: (Can) "Spray-O-Med Medicated Vapor * * * Active ingredients—Menthol, Triethylene Glycol, Eucalyptol, Thymol * * * Health Specialties Division, Chemical Specialties Co. B'klyn 22, N.Y."

RESULTS OF INVESTIGATION: Examination showed the article to be packaged in aerosol-type cans which would emit a spray or vapor having a strong odor of thymol and other aromatics.

LIBELED: 5-23-60, E. Dist. N.Y.